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Security Council Committee established pursuant to resolution 1737 (2006)

Note verbale dated 1 July 2011 from the Permanent Mission of Latvia to the United Nations addressed to the Chair of the Committee

The Permanent Mission of the Republic of Latvia to the United Nations in New York presents its compliments to the Security Council Committee established pursuant to resolution 1737 (2006).

In accordance with paragraph 13 of Security Council resolution 1803 (2008) and paragraph 31 of Council resolution 1929 (2010), Latvia would like to submit herewith its national implementation report (see annex).

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Annex to the note verbale dated 1 July 2011 from the Permanent Mission of Latvia to the United Nations addressed to the Chair of the Committee

National implementation report

I. Implementation at the level of the European Union

As a member State of the European Union, the Republic of Latvia at the national level implements Security Council resolutions 1803 (2008) and 1929 (2010) in accordance with the legal framework of the European Union, respectively, in accordance with respective decisions and regulations adopted by the Council of the European Union.

Decision 2010/413/CFSP of 26 July 2010 concerning restrictive measures against Iran and repealing Common Position 2007/140/CFSP (amended by Council Decision 2010/644/CFSP of 25 October 2010 amending Decision 2010/413/CFSP concerning restrictive measures against Iran and repealing Common Position 2007/140/CFSP and implemented by Council Implementing Decision 2011/299/CFSP of 23 May 2011 amending Decision 2010/413/CFSP concerning restrictive measures against Iran) has been adopted by the Council of the European Union, together with Regulation (EU) No. 961/2010 of 25 October 2010 on restrictive measures against Iran and repealing Regulation (EC) No. 423/2007 (implemented by Council Implementing Regulation (EU) No. 503/2011 of 23 May 2011 implementing Regulation (EU) No. 961/2010 on restrictive measures against Iran) thereto, in order to implement the restrictive regime against Iran.

As regards the applicability of the legal acts of the European Union, article 288 of the Treaty on the Functioning of the European Union (TFEU) states that a decision shall be binding in its entirety. Article 288 of TFEU also states that a regulation shall have general application, it shall be binding in its entirety and it is directly applicable in all member States. Therefore, the regulations adopted by the European Union are immediately effective in the national legal systems of European Union member States, including, inter alia, in the national legal system of the Republic of Latvia.

II. National implementing measures and procedures

Control of goods of strategic significance

Pursuant to article 12, paragraph 9, of the "Law on the Circulation of Goods of Strategic Significance" of the Republic of Latvia, the Strategic Goods Control Committee (the national institution of the Republic of Latvia for the control of the circulation of goods of strategic significance) is entitled to refuse the issuance of licences for goods of strategic significance in accordance with the procedures prescribed by the Cabinet of Ministers of the Republic of Latvia. Respectively, Regulation of the Cabinet of Ministers No. 657 of 20 July 2010, "Procedure of Issuance or Refusal of Issuance of Licences for Goods of Strategic Significance and the Related Documents to Circulation of Goods of Strategic Significance", namely section 8, provides that the Committee has the right to refuse the issuance of licences for goods in the Common Military List of the European Union based on

criteria of international obligations of the Republic of Latvia and obligations according to arms embargoes adopted by the United Nations, the European Union and the Organization for Security and Cooperation in Europe, as well as criteria of international obligations of the Republic of Latvia according to the Treaty on the Non-Proliferation of Nuclear Weapons of 1 July 1968, the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction of 10 April 1972 and the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction of 3 September 1992.

In addition, Regulation of the Cabinet of Ministers No. 657 of 20 July 2010, namely section 7, provides that the Committee has the right to ask for the licence and to refuse the issuance of licences for goods that are not listed in annex 1 to Council Regulation (EC) No. 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items, in accordance with the rights conferred by article 4 and article 13 of the Regulation — the rights to request and deny a licence for non-dual-use goods.

Freezing of funds and vigilance over transactions

In accordance with article 3 of the "Law on the Implementation of Sanctions Established by International Organizations" of the Republic of Latvia, it is prohibited for all participants of the financial and capital market registered in the Republic of Latvia to perform any kind of operation with financial instruments and financial assets that are partly or completely, directly or indirectly owned by a State or a person regarding whom financial restrictions have been established pursuant to European Union Regulations.

The institution responsible for the implementation of sanctions established by international organizations (inter alia, the Council of the European Union), as regards financial restrictions, is the Financial and Capital Market Commission. According to article 11 of the "Law on the Implementation of Sanctions established by International Organizations", the Financial and Capital Market Commission, as the responsible institution, takes the necessary measures in order to enact the sanctions established by international organizations. Moreover, pursuant to article 13 of the "Law on the Implementation of Sanctions established by International Organizations", the Financial and Capital Market Commission, if necessary, adopts a decision on the compulsory application of sanctions imposed by international organizations, including, inter alia, freezing assets of and blocking financial transactions related to the designated persons or entities.

Travel restrictions

Pursuant to article 6 of the "Law on the Implementation of Sanctions established by International Organizations", for the persons regarding whom travel restrictions have been imposed in accordance with European Union Regulations, it is prohibited to enter the Republic of Latvia. The institution responsible for the implementation of sanctions established by international organizations (inter alia, the Council of the European Union), as regards travel restrictions, is the Ministry of the Interior of the Republic of Latvia.

In accordance with Council Regulation (EC) No. 539/2001 of 15 March 2001 listing the third countries whose nationals must be in possession of visas when

crossing the external borders and those whose nationals are exempt from that requirement, third-country nationals specified in the Council Decision as subject to a travel ban and who need a visa to enter the European Union will not be granted a visa if they apply for one. They must in any event be denied entry if they present themselves at an external border.

Moreover, the "Immigration Law" of the Republic of Latvia, in particular section VII, provides for the list of those foreigners for whom entry into the Republic of Latvia is prohibited. The respective section provides that if, in accordance with the provisions of the Regulation of the Council of the European Union, the travel restrictions shall be applied to a foreigner, such person shall be included in the list of those foreigners for whom entry into the Republic of Latvia is prohibited.

Customs control and cargo inspection

The responsible customs institutions and port authorities are duly informed about the restrictions in force, and the respective inspections, if applicable, are conducted in accordance with national customs procedures. Should it be necessary to confiscate designated goods, the Administrative Violations Code of the Republic of Latvia provides the customs authorities with the right to take appropriate actions. Pursuant to article 201 of the Administrative Violations Code, in the case of violation of the regulations regarding the import, export, movement and transit of goods of strategic significance, confiscation of the relevant goods is the penalty to be imposed.

Financial assistance and support

The issuance of export credit guarantees in the Republic of Latvia is regulated by Regulation No. 436 of the Cabinet of Ministers of 12 May 2009, "Short-term Export Credit Guarantees Regulation", and is administered by the Latvian Guarantee Agency. The Latvian Guarantee Agency is duly informed about the restrictive measures in force and takes the respective provisions, including, inter alia, those concerning the Islamic Republic of Iran, duly into account when decisions regarding financial support for trade are to be taken.

There is no information on existing commitments as regards grants, financial assistance or concessional loans to the Islamic Republic of Iran. In the event of such a request, the obligations in force are to be fully observed by the competent authorities of the Republic of Latvia.